

MAR 26 2008

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

MOLLY DWYER, ACTING CLERK  
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

ERASMO SANCHEZ ANGEL; CELINA  
SANCHEZ,

Petitioners,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 06-71992

Agency Nos. A75-728-616  
A75-728-617

MEMORANDUM<sup>\*</sup>

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted March 18, 2008<sup>\*\*</sup>

Before: CANBY, T.G. NELSON, and BEA, Circuit Judges.

Erasmo Sanchez Angel and Celina Sanchez, natives and citizens of Mexico,  
petition pro se for review of the Board of Immigration Appeals' ("BIA") order

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

06-71992

denying their motion to reopen proceedings and reissue its decision dismissing their appeal from an immigration judge's denial of their applications for cancellation of removal. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of motions to reopen and review de novo claims of due process violations. *Iturribarria v. INS*, 321 F.3d 889, 894 (9th Cir. 2003). We deny the petition for review.

The BIA did not abuse its discretion or violate petitioners' due process rights because it mailed its December 14, 2004 decision to the address listed on the change of address form. *See* 8 C.F.R. §§ 1003.1(f), 1003.13; *see also Singh v. Gonzales*, 494 F.3d 1170, 1172 (9th Cir. 2007) (BIA fulfills its statutory duty of service if a decision was properly mailed). Petitioners contend that their nonreceipt is attributable to their former counsel because he submitted a change of address form with an incorrect address. Petitioners recourse would be to file an ineffective assistance of counsel claim. *See Singh v. Gonzales*, 499 F.3d 969, 979 (9th Cir. 2007).

**PETITION FOR REVIEW DENIED.**